

Remarks:

In response to the Official Action mailed December 18, 2006 and made final, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1, 7 and 9 in view of the above amendments and the following remarks. Applicant respectfully requests entry of the present Request For Continued Examination.

Applicant points out that this RCE and Amendment E are in response to the Advisory Action mailed March 9, 2007, and the telephone interview between the Examiner and the undersigned on April 18, 2007.

First, Application states for the record that any references to sealant in the specification and in the claims is to the sealant composition as a whole, and not to any one constituent. Applicant believes that this is fully supported by the specification, in which references are made to the "sealant" 14. Although other references are made to sealant material 14, it is applicant's position that the above, statement, in conjunction with the specification provide support for defining the "sealant" as referring to the sealant composition as a whole. Applicant submits that this is position also fully supported by the fact that no other portion or constituent is referred to as "sealant" or "sealant material" and that it is only when referring to the sealant composition as a whole that "sealant" is used.

Next, further to the telephone interview with Examiner Jackson, Applicant has further amended the claims to define the sealant as a first component and a second component consisting essentially of a desirably shaped body of a heat-activatable sealant, that is formulated from a first polymer being EVA being in a concentration of about 25 percent to about 30 percent, calcium carbonate inert mineral filler material in a concentration of about 25 percent to 30 percent of the sealant, a second polymer, the second polymer being an ethylene polymer other than an ethylene vinyl acetate copolymer in a concentration of about 20 percent to about 35 percent of the sealant and a hydrocarbon resin in a concentration of about 1 percent to about 15 percent of the sealant.

In the present Amendment E, Applicant has cancelled or deleted the phrases and the amendments to the specification that Examiner Jackson objected to in the Action of December 18, 2006.

Applicant also submits that the concentrations as stated in the claims are in fact based upon a standard, that is, the sealant. The concentrations are not based upon a comparison to other constituents but to the sealant as a whole. Accordingly, it is applicant's position that there is a sufficient basis for determining the specificity of the concentrations.

That being said, it is Applicant's position that the claims as amended and now pending are in comport with Section 112 and are allowable over the art of record.

Accordingly, Applicant respectfully requests reconsideration, reexamination and allowance of claims 1, 7 and 9 in view of the above amendments and remarks. Should the Examiner believe that a telephone interview would expedite prosecution and allowance of the present application, or address any outstanding formal issues, she is respectfully requested to contact the undersigned.

A Petition for a one-month extension of time is filed with the present Request for Continued Examination and the AMENDMENT E. If any additional extension of time is required, please consider this a petition therefore and if any fees are due, please debit any deficiency to Deposit Account No. 50-2035 as may be required in connection with the submission of this Amendment. IN NO EVENT CAN THE ISSUE FEE BE CHARGED TO THE DEPOSIT ACCOUNT.

Respectfully submitted,

By 

Mitchell J. Weinstein
Reg. No. 37,963

April 18, 2007
LEVENFELD PEARLSTEIN, LLC
2 N. LaSalle Street
Suite 1300
Chicago, Illinois 60602
(312) 476-7593 Telephone
(312) 346-8434 Facsimile
mweinstein@lplegal.com